

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MATTHEW MUCKEY,

Plaintiff,

- against -

ASSOCIATED MUSICIANS OF GREATER NEW
YORK, LOCAL 802, AMERICAN FEDERATION OF
MUSICIANS and THE PHILHARMONIC-
SYMPHONY SOCIETY OF NEW YORK, INC. a/k/a
THE NEW YORK PHILHARMONIC ORCHESTRA,

Defendants.

NOTICE OF MOTION TO DISMISS

PLEASE TAKE NOTICE that Defendant Associated Musicians of Greater New York, Local 802, American Federation of Musicians (“Local 802”), by and through its undersigned counsel, upon the accompanying Memorandum of Law and the Declaration of Susan Davis, dated June 9, 2025, and corresponding exhibits, submitted herewith, will move this Court, before the Honorable Arun Subramanian, U.S.D.J., at the United States District Court, Southern District of New York, 500 Pearl Street, Courtroom 15A, New York, New York 10007, at a date and time to be determined by the Court, for an order pursuant to Federal Rule of Civil Procedure 12(b)(6) dismissing with prejudice the claims against Local 802 set forth in the First Amended Complaint and granting such other and further relief as the Court may deem just and proper.

Dated: New York, New York
June 9, 2025

Respectfully submitted,

/s/ Susan Davis
Susan Davis

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*Attorneys for Defendant Associated
Musicians of Greater New York, Local 802,
American Federation of Musicians*

CERTIFICATE OF SERVICE

I hereby certify that on this 9th day of June 2025, I caused a true and correct copy of the foregoing Notice of Motion, accompanying Memorandum of Law, and accompanying Declaration and exhibits to be served through the Court's electronic notification system on counsel for Plaintiff Matthew Muckey and on counsel for Defendant The Philharmonic-Symphony Society of New York, Inc.

/s/ Susan Davis

Susan Davis

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